

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Claims 1, 4-11, 15, 18, 25, 27, 29-31 are now present in this application. Claims 1 and 18 are independent. Claim 2, 3, 12-14, 16, 17, 19-23, 26, 28, 32 and 33 have been canceled and claim 1, 5, 18 and 25 have been amended. No new matter has been added. Reconsideration of this application, as amended, is respectfully requested.

Drawing Amendments

Figure 3B has been amended to replace foreign language text with English text for step S308.

Rejection Under 35 U.S.C. § 103

Claims 1-23 and 25-33 stand rejected under 35 U.S.C. § 103(a) as being obvious over Walker in view of Freuer and Massey. This rejection is respectfully traversed.

Claim 1 recites that an initial level and an initial credit are bestowed on the user in the tournament. Every participant competes with another on the same level. After each competition, the level of the winner increases by one, and the winner again competes with other participants on the same level. At this time, the winner obtains a predetermined rate of credit from the loser and the loser is awarded the prize money according to the remaining present credit. The loser directly loses the availability of participation and is dropped out of the tournament. The winner can participate in the tournament further if he wants. The winner is awarded the prize money according to the accumulated credit until he stops further participation.

The above features work altogether and, according to claim 1, the competition is always matched between players on the same level and having the same credits. This assures the fairness of each battle.

For example, a participant A is given the initial level 1 and initial credit 100 and will compete with another participant B given the same initial level 1 and the same credit 100. If A

wins the first competition, his level increases to 2 and he obtains 20% of the credit from the loser B and A's credit will be 120 (Assuming that the transferring rate from the loser is 20%). At this time, the remaining credit of the loser B is 80, and the loser B is awarded the prize money corresponding thereto.

Then, A will compete with another participant C who has also advanced to level 2 and has a credit of 120. After the competition between A and C, the winner's level increases up to 3 and his credit increases to 144 by taking 20% of the losers 120 credits. Then, the winner will compete with another participant D having a level of 3 and 144 credits.

In this way, the competition is always matched between players on the same level and having the same credits. Accordingly, the competition level and the credits are highly balanced and fairness of each competition is established.

The cited references fail to recite the features of claim 1. Walker fails to disclose increasing the level of a winner by one and transferring a certain rate of credit from a loser to the winner, eliminating the loser from the tournament and matching winners having the same level and credits. Massey discloses the transfer of the loser's fund to the winner. However, Massey fails to recite an initial level and an initial credit given to each player and increasing the level of the winner by 1 and always playing an opponent on the same level. As seen in Fig. 5 of Massey, the levels of the competitors and their credits (funds) are different from one another. Further, the matching of the competitors in Massey is random. Increasing the level of the winner by one and matching competitors of the same level and credit are never recited.

The Examiner alleges that Freuer recites the feature of bestowing an initial level and an initial credit on the user. Freuer only discloses that deposit of currency will start the game. This is the bestowing the initial level and credit. In claim 1, the initial level and the initial credit work as the initial references from which the same winning number possessors will have the same level and credit.

The references relied upon by the Examiner fail to recite the features of matching the same level players (that is, an opponent on the same level) and increasing the level of the winner by one.

Claim 18 also recites the same features discussed above regarding claim 1 that are not disclosed by the prior art. Applicant respectfully submits that the combinations of elements as set forth in independent claims 1 and 18 are not disclosed or made obvious by the prior art of record, including Walker, Freuer and Massey, for the reasons explained above. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

With regard to dependent claims 4-11, 15, 25, 27, 29-31, Applicant submits that claims 4-11, 15, 25, 27, 29-31 depend, either directly or indirectly, from independent claim 1 or 18 which are allowable for the reasons set forth above, and therefore claims 4-11, 15, 25, 27, 29-31 are allowable. In addition, these claims recite further limitations which are not disclosed or made obvious by the applied prior art references. Reconsideration and allowance thereof are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

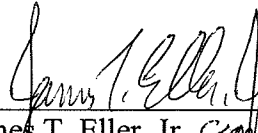
Application No. 10/562,062
Amendment dated December 22, 2009
Reply to Office Action of June 22, 2009

Docket No.: 4466-0103PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 22, 2009

Respectfully submitted,

By 

James T. Eller, Jr. *conf*
Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant